

1  
2  
3  
4 UNITED STATES DISTRICT COURT  
5 WESTERN DISTRICT OF WASHINGTON  
6 AT TACOMA

7 SCOTT C. SMITH,

8 Plaintiff,

9 v.

10 DOUG WADDINGTON, RUSSELL  
11 AMARU, and ERIC HERNANDEZ,

12 Defendants.

No. C11-5080 RJB/KLS

ORDER DIRECTING SUBMISSION OF  
INFORMATION UNDER SEAL

13 This action is proceeding on Plaintiff's amended complaint. ECF No. 10. Service of the  
14 amended complaint was effected on Defendants Hernandez and Waddington (ECF Nos. 18 and  
15 20), however, the waiver and return of service form directed to Defendant Russell Amaru was  
16 returned unexecuted, marked "No Longer at WCC." ECF No. 19. Plaintiff was directed to  
17 provide the Court with an alternate service address for Russell Amaru. ECF No. 22. On May  
18 20, 2011, Plaintiff filed a motion to modify service of process, requesting that the Attorney  
19 General's Office accept service of process on behalf of Defendant Amaru because Washington  
20 law prohibits Plaintiff to possess Defendant Amaru's address. ECF No. 24. The Attorney  
21 General's Office has filed an answer on behalf of Defendant Amaru. ECF No. (ECF No. 10).

22  
23 Defendants have filed no response to Plaintiff's motion. Under Rule CR 7(b)(2). Their  
24 failure to do so may be considered by the court as an admission that the motion has merit.

25 If Defendants are in possession of Mr. Amaru's last known business or last known home  
26 address, a sensible solution is that Defendants submit such information to the court **under seal** so

1 that the Clerk may attempt to effect service. This solution alleviates two concerns concerning  
2 involving prisoner litigation: (1) the security risks inherent in providing prisoners with addresses  
3 of people formerly employed by the state; and (2) the reality of prisoners getting the “runaround”  
4 when they are attempting to access information through the government. *Sellers v. United*  
5 *States*, 902 F.2d 598, 603 (7<sup>th</sup> Cir. 1990).

6 Accordingly, it is **ORDERED**:

7 (1) Plaintiff’s motion to modify service process (ECF No. 24) is **GRANTED**.

8 (2) If Defendants are in possession of the last known business or last known home  
9 address of Russell Amaru, they shall submit such addresses to the Court **under seal on or before**  
10 **August 5, 2011**.

11  
12  
13 **DATED** this 19th day of July, 2011.

14   
15 Karen L. Strombom  
16 United States Magistrate Judge  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26